

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN RAY,

Petitioner,

v.

Case Number 11-11100

Honorable David M. Lawson

MITCH PERRY,

Respondent.

_____ /

ORDER GRANTING MOTION TO FILE SUPPLEMENTAL BRIEF

This matter is before the Court on the petitioner's second motion to file a supplemental reply brief in support of his petition. The respondent filed a response to the petition on September 23, 2011. The petitioner filed a reply on November 9, 2011. On October 26, 2012, the Court granted the petitioner's earlier motion and permitted him to file a supplemental brief for the purpose of bringing to the Court's attention any legal authority in support of the petition not previously briefed by the petitioner. In that order, the Court allowed the petitioner to file a supplemental brief of no more than ten pages, on or before December 10, 2012.

On December 12, 2012, the Clerk docketed petitioner's second motion for leave to file a supplemental brief, with his proposed brief included [dkt. #15]. The brief in support of the motion includes two pages of legal argument in support of the petition and an attached unpublished case decided by the Michigan court of appeals. The handwritten motion bears petitioner's signature next to the stamp of a notary public dated December 7, 2012. Under the "prison mailbox rule," documents sent to the Clerk by a prisoner are deemed filed on the day they are dated and signed, even if received and docketed on a later date. *Williams v. Birkett*, 670 F.3d 729, 732 n.1 (6th Cir. 2012); *Hudson v. Martin*, 68 F.Supp.2d 798, 800 n.2 (E.D. Mich. 1999). The Court finds that the

petitioner has complied with its earlier order and filed his supplemental brief in a timely manner and in accord with the limits of the Court's order. The Court therefore will grant the petitioner's second motion for leave to file supplemental brief and deem the enclosed brief as filed.

Accordingly, it is **ORDERED** that the petitioner's motion for leave to file supplemental brief [dkt. #15] is **GRANTED**. The supplemental brief included in the motion is deemed filed.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: December 20, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 20, 2012.

s/Deborah R. Tofil
DEBORAH R. TOFIL